

AMENDED IN ASSEMBLY MAY 2, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1517

Introduced by Assembly Member Sharon Runner

February 22, 2005

An act to amend Section 11105 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1517, as amended, Sharon Runner. ~~Summary criminal history information.~~ Department of Managed Care: *employee information.*

Existing law authorizes the Department of Motor Vehicles to require fingerprint images and associated information from any employee or prospective employee whose duties include or would include access to certain confidential information, access to cash or checks, responsibility with respect to a critical automated system, or making decisions regarding licenses and other matters.

This bill would require the Department of Managed Care to require fingerprint images and associated information from any employee or prospective employee whose duties include or would include access to confidential information. This bill would authorize those fingerprint images and associated information to be furnished to the Department of Justice for the purpose of obtaining information as to the existence and nature of a record of state or federal level convictions and arrests, as specified. The bill would authorize the Department of Justice to assess a fee sufficient to cover the processing costs for providing that information.

~~Existing law requires the Attorney General to furnish state summary criminal history information to a list of specified agencies, officers, or officials, if needed in the course of their duties. The unlawful~~

~~furnishing or dissemination of the state summary criminal history information is a crime.~~

~~This bill would add the Department of Managed Care to the list of agencies to which the Attorney General is required to furnish state summary criminal history information.~~

~~By increasing the scope of agencies to which existing crimes are applicable, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1041 is added to the Government Code,
2 to read:
3 1041. (a) The Department of Managed Health Care may
4 require fingerprint images and associated information from an
5 employee or prospective employee whose duties include or would
6 include access to confidential information including, but not
7 limited to, social security numbers, medical information, and any
8 other information that is protected by state or federal law.
9 (b) The fingerprint images and associated information of an
10 employee or prospective employee of the Department of
11 Managed Health Care whose duties include or would include
12 access to the information specified in subdivision (a), or any
13 person who assumes those duties, may be furnished to the
14 Department of Justice for the purpose of obtaining information
15 as to the existence and nature of a record of state or federal level
16 convictions and state or federal level arrests for which the
17 Department of Justice establishes that the applicant was released
18 on bail or on his or her own recognizance pending trial.
19 Requests for federal level criminal offender record information,
20 received by the Department of Justice, pursuant to this section,
21 shall be forwarded to the Federal Bureau of Investigation by the
22 Department of Justice.

1 (c) *The Department of Justice shall respond to the Department*
2 *of Managed Health Care with information as provided under*
3 *subdivision (p) of Section 11105 of the Penal Code.*

4 (d) *The Department of Managed Health Care shall request*
5 *subsequent arrest notification, from the Department of Justice, as*
6 *provided under Section 11105.2 of the Penal Code, for*
7 *applicants described in subdivision (a).*

8 (e) *The Department of Justice may assess a fee sufficient to*
9 *cover the processing costs required under this section, as*
10 *authorized pursuant to subdivision (e) of Section 11105 of the*
11 *Penal Code.*

12 (f) *This section does not apply to an employee of the*
13 *Department of Managed Health Care whose appointment*
14 *occurred prior to January 1, 2006.*

15 (g) *The Department of Managed Health Care may investigate*
16 *the criminal history of persons applying for employment in order*
17 *to make a final determination of that person's fitness to perform*
18 *duties that would include any access to confidential information.*

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21 **All matter omitted in this version of the bill**
22 **appears in the bill as introduced in**
23 **Assembly, February 22, 2005 (JR11)**
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